

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE:)	CASE NO. 22-40095-BEM
)	
JOY LYNN PATTERSON,)	CHAPTER 7
)	
Debtor.)	
_____)	
)	
U.S. BANK TRUST NATIONAL)	CONTESTED MATTER
ASSOCIATION, AS TRUSTEE OF)	
THE CABANA SERIES III TRUST,)	
)	
Movant,)	
)	
vs.)	
)	
JOY LYNN PATTERSON, and)	
TRACEY L. MONTZ, Trustee,)	
)	
Respondents.)	
_____)	

MOTION FOR RELIEF FROM STAY

COMES NOW, U.S. Bank Trust National Association, as Trustee of the Cabana Series III Trust, c/o SN Servicing Corporation, its servicing agent ("Movant"), and hereby shows this Court the following:

1.

Pursuant to 11 U.S.C. Section 362(d) and Fed. R. Bankr. P. 4001, Movant seeks an order that terminates the automatic stay as to Movant for purposes of allowing it to enforce its security interest in certain real property of the estate, commonly known as 7237 Hwy. 225 S., Chatsworth, GA 30705 ("Real Property"), in accordance with the terms of a certain security deed and with applicable non-bankruptcy law.

2.

Debtor filed the above-styled Chapter 7 bankruptcy on January 28, 2022.

3.

Movant holds a claim secured by the Real Property. True and correct copies of the subject loan documents are collectively attached hereto as Exhibit "A" and incorporated herein by reference ("Loan Documents").

4.

Debtor's loan is contractually delinquent as follows:

11/01/2019 through 04/01/2022 @ \$823.17 each:	\$25,518.27
Prior Servicer Corporate Advance:	4,522.40

Reinstatement Total: \$30,040.67

5.

Movant is not adequately protected.

6.

Debtor has little equity, if any, in the Real Property. Per Debtor's Schedule A, the value of the Real Property is approximately \$100,000.00. As of April 26, 2022, the payoff on the subject loan was approximately \$89,496.26, excluding attorney's fees and costs for this Motion, with an unpaid principal balance of \$73,700.03.

7.

Movant has incurred \$1,050.00 in attorney's fees in bringing this Motion and is entitled to reimbursement for same pursuant to the Loan Documents.

8.

Debtor intends to surrender the Real Property.

WHEREFORE, Movant prays that this Court, after notice and a hearing:

- a) Waive the stay set forth in FBR 4001(a)(3);
- b) Terminate the automatic stay as to Movant to permit it to enforce its security interest in the Real Property in accordance with the terms of the Loan Documents and applicable non-bankruptcy law, including, but not limited to, advertising and conducting a foreclosure sale and seeking possession of the Real Property pursuant to the laws of the State of Georgia.

- c) Award \$1,050.00 as attorney's fees incurred by Movant in bringing the Motion; and
- d) Grant such other and further relief as this Court deems just, necessary, and proper.

This 27th day of April, 2022.

Prepared By:
Attorney for Movant

/s/ Marc E. Ripps
Marc E. Ripps
Georgia Bar No. 606515

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CERTIFICATE OF SERVICE

This is to certify that I served the parties listed below with a copy of the Motion for Relief from Stay by, **unless otherwise noted**, depositing a true and correct copy of each with the United States Postal Service with sufficient postage affixed thereto to insure first class delivery:

Office of the United States Trustee
Via Electronic Notice

Tracey L. Montz, Esq.
Chapter 7 Trustee
Via Electronic Notice

Michael D. Hurtt, Esq.
Attorney for Debtor
Via Electronic Notice

Joy Lynn Patterson
1958 Renfroe Rd., NE
Dalton, GA 30712-8843

Micah Fleming*
7237 Highway 225 S
Chatsworth, GA 30705-6402
*Notice Only

This 27th day of April, 2022.

/s/ Marc E. Ripps
Marc E. Ripps
Georgia Bar No. 606515

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